

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS, INDIANA**

NATHAN TAYLOR)
)
 Plaintiff,)
)
 v.)
)
)CAUSE NO. 1:21-cv-1858
)
 BEST WELD, INC.)
 SHARON D. MONTGOMERY)
 Defendant,)

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, name-above, complains of act and omissions by the Defendant. In support of his Complaint and as cause of action against the Defendant, Plaintiff respectfully submits the following:

JURISDICTION

1. This suit is authorized and instituted pursuant to 28 USC § 1331 and 29 USC § 201 et seq, as Plaintiff raises Federal questions of law.
2. Venue is proper in this Court pursuant to 28 USC § 1391 because the unlawful conduct alleged herein was committed in the Southern District of Indiana.

PARTIES

3. Plaintiff is an African-American male and at all relevant times he resided in the Southern District of Indiana.
4. Defendant is a corporation doing business in the State of Indiana in the Southern District of Indiana.

FACTUAL ALLEGATIONS

5. Plaintiff began working for the Defendant in 1996.

6. Plaintiff has never been paid overtime throughout his employment at Defendant.
7. Plaintiff performed his job well.
8. Defendant pays Plaintiff at the rate of \$25.00 per hour for his work as a welder.
9. Defendant does not and has not, paid Plaintiff at an overtime rate (which would have been one and one-half times his hourly rate of \$25.00) for hours Plaintiff worked in excess of forty in any work week.
10. From the face of Plaintiff's pay stubs, Plaintiff can show that he worked and was paid straight time for 93.84 hours with no overtime pay in 2019 and 2020.
11. Under the FLSA's presumptive liquidated damages provision, Plaintiff's recovery would double.
12. Plaintiff has directly paid Defendant that he is owed overtime compensation for his overtime hours of work. Defendant informed Plaintiff that they cannot afford to pay him overtime (time and a half).
13. Defendant owes Plaintiff unpaid overtime compensation and liquidated damages for thousands of overtime hours he has worked since June 2018. Plaintiff is a non-exempt employee, entitled to overtime compensation under the FLSA.
14. Defendant has willfully, intentionally, knowingly and in bad faith violated Plaintiff's rights under the Fair Labor Standards Act. By the way of this Complaint, Plaintiff is seeking all available damages, including, but not limited to all unpaid compensation, all liquidated and/or statutory damages, plus payment of his reasonable attorney's fees, costs and expenses.

STATEMENT OF CLAIMS UNDER THE FAIR LABOR STANDARDS ACT

15. Plaintiff incorporates herein reference paragraphs 1 through 14 above.

16. Defendant is a covered employer subject to the provisions of the Fair Labor Standards Act, as it is enterprise. Further Defendant is an “employer” as that term is defined under the FLSA at 29 USC § 203(d).

17. Defendant violated Plaintiff’s right to properly be paid overtime wages in a manner required by the FLSA. Specifically, Plaintiff is a non-exempt employee and Defendant was and is required to pay Plaintiff at an overtime rate for any and all hours worked each week in excess of forty (40).

18. Defendant’s failure to comply with the FLSA’s provisions regarding overtime compensation is willful and without justification.

19. Plaintiff seeks all available damages, including unpaid overtime compensation, liquidated damages, payment of reasonable attorney’s fees, costs and expenses, and any all other damages to which he may be entitled for Defendant’s violations of the Fair Labor Standards Act.

COUNT I

20. Plaintiff incorporates by reference paragraphs 1-19

21. Defendant, as a result of failing to pay Plaintiff overtime, violated 28 USC § 1331 and 29 USC § 201 et seq.

WHEREFORE, Plaintiff respectfully requests that the Court grant the following relief:

- A. Award Plaintiff back pay and benefits lost;
- B. Award Plaintiff compensatory damages for future pecuniary loss, emotional pain and suffering, inconvenience, mental anguish and loss of enjoyment of life;

- C. Award Plaintiff punitive damages;
- D. Award Plaintiff liquidated damages
- E. Award Plaintiff his cost in this action and reasonable attorney fees;
- F. Grant Plaintiff any other relief which is allowable under the circumstances of this case.

Respectfully Submitted

s//Amber K. Boyd
Amber K. Boyd 31235-49
Attorney for Plaintiff

REQUEST FOR JURY TRIAL

Comes now the Plaintiff and requests that this cause be tried by a jury.

Respectfully Submitted

s//Amber K. Boyd
Amber K. Boyd 31235-49
Attorney for Plaintiff

Amber K. Boyd 31235-49
Amber K. Boyd Attorney at Law
8510 Evergreen Avenue
Indianapolis, in 46240
(317) 210-3416